



06-23-04

6p1644
8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 982 742 488 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.
Dated: June 21, 2004 Signature: *Anthony A. Laurentano*
(Anthony A. Laurentano)

Docket No.: FHW-102US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rodney E. Phillips *et al.*

Application No.: 10/089922

Confirmation No.: 1256

Filed: July 16, 2002

Art Unit: 1644

For: BINDING AGENTS

Examiner: M. N. Dibrino

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed April 20, 2004.

The Examiner has required restriction between the following inventions in the above-identified application:

Group I: claims 1-18 and 20, drawn to a method of screening for a cell comprising binding/internalizing a moiety to/into a cell;

Group II: claims 22-29, 31, 34 and 38, drawn to a moiety/composition thereof/kit comprising a moiety that binds to a receptor that recognizes an MHC/peptide complex and a second part comprising an agent that is internalized by a cell expressing the receptor after the first part binds to the said receptor;

Group III: claims 32 and 33, drawn to an apparatus and kit thereof for performing a method of binding/internalizing a moiety to/into a cell;

Group IV: claims 35-37, drawn to a method for treating a disorder using a moiety that binds to a receptor that recognizes an MHC/peptide complex and a second part comprising an agent that is internalized by a cell expressing the receptor after the first part binds to the said receptor;

Group V: claim 40, drawn to a kit containing an apparatus for performing a method of binding/internalizing a moiety to/into a cell and further comprising a moiety;

Group VI: claims 19, 41 and 44, drawn to a therapeutically active cell/composition thereof;

Group VII: claims 42 and 43, drawn to a method for treating a disorder or condition involving T cells using a therapeutically active cell;

Group VIII: claims 1, 7-10, 12-15, 17, 21 and 30, drawn to a method of treatment/therapy comprising binding/internalizing a moiety to/into a cell and killing it.

Accordingly, Applicants hereby provisionally elect **Group VIII, encompassing claims 1, 7-10, 12-15, 17, 21 and 30** for continued examination, with traverse.

Applicants respectfully assert that a single search of pertinent prior art would appear to suffice for all aspects of the invention. Specifically, the various Groups appear to be so interrelated that a single examination would not appear to place a serious burden on the Examiner. Therefore, Applicant urges the Examiner to reconsider and withdraw the restriction requirement.

Applicants reserve the right to pursue the non-elected claims, or similar claims, in this or one or more subsequent patent applications.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. FHW-102US from which the undersigned is authorized to draw.

Dated: June 21, 2004

Respectfully submitted,

By 

Anthony A. Laurentano
Registration No. 38,220
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant